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*Admitted only in Maryland
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May 10, 2002

WRITER'S DIRECT NUMBER:
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Commissioner for Patents
Washington, D.C. 20231

Art Unit: 3732

Re: U.S. Utility Patent Application
Appl. No. 09/721,107; Filed: November 22, 2000
For: **Intravascular Stent**
Inventor: Dominik M. Wiktor
Our Ref: PA 804 CON 9 (1737.2290009)

RECEIVED
MAY 14 2002
TECHNOLOGY CENTER R3732

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (PTO/SB/17);
2. Petition Under 37 C.F.R. § 1.59(b) to Expunge and Return Information Unintentionally Submitted;
3. One (1) return postcard; and
4. Our check no. 35114 in the amount of \$130.00 to cover the petition fee.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents

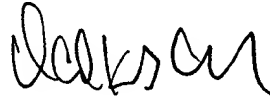
May 10, 2002

Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

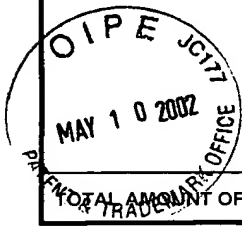


David K. S. Cornwell
Attorney for Applicant
Registration No. 31,944

DKSC/RLP/awt
Enclosures

SKGF_DC1:7591.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/721,107
Filing Date	November 22, 2000
First Named Inventor	Dominik M. Wiktor
Examiner Name	Ralph A. Lewis
Group Art Unit	3732
Attorney Docket No.	PA 804 CON 9 (1737.2290009)

TOTAL AMOUNT OF PAYMENT (\$130.00)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number: 19-0036
Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☒ Other*

*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

I. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims - 20** =	X		
Indep. Claims - 3** =	X		
Multiple Dependent			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
108	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	R3700
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify):

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	David S. Cornwell	Registration No. (Attorney/Agent)	31,944	Telephone	202-371-2600
Signature		Date	May 10, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

#9



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dominik M. Wiktor

Appl. No. 09/721,107

Filed: November 22, 2000

For: **Intravascular Stent**

Confirmation No.

Art Unit: 3732

Examiner: Ralph A. Lewis

Atty. Docket: PA 804CON 9
(1737.2290009/DKSC/RLP)

**Petition Under 37 C.F.R. § 1.59(b) to Expunge and Return
Information Unintentionally Submitted**

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAY 14 2002

TECHNOLOGY CENTER R3700

Sir:

This is a petition to the Commissioner to expunge and return information unintentionally submitted in the above-referenced application in response to an Office Action dated October 3, 2001 (PTO Prosecution File Wrapper Paper No. 4). The grounds and conditions for granting this petition are found in MPEP § 724.05 (II) entitled "Information Unintentionally Submitted in Application." The petition fee required pursuant to 37 C.F.R. § 1.17(h) is enclosed.

Applicant respectfully requests that a response and petition for extension of time under 37 C.F.R. § 1.136(a) signed by Bruce Collins, Reg. No. 20,066, and filed via Express Mail on April 3, 2002 (hereinafter "the unauthorized response") be expunged and returned to the undersigned attorney at the address indicated below.

In the above-referenced application, two responses were filed on April 3, 2002 to the Office Action dated October 3, 2001 (Paper No. 4). Applicant's former representative inadvertently filed an unauthorized response to the Office Action despite knowing of a

transfer of representation of the above-referenced application to Sterne, Kessler, Goldstein & Fox, P.L.L.C. The unauthorized response was made without Applicant's knowledge. At the same time, the undersigned attorney (Applicant's new representative) filed a different and separate response on behalf of and with the authorized consent of the Applicant. The response, also filed on April 3, 2002, entitled "Reply Under 37 C.F.R. sec. 1.111" was signed by the undersigned attorney and is the only properly filed response to the Office Action dated October 3, 2001 (Paper No. 4).

The filing of the unauthorized response was unintentional and without the consent of the Applicant. Failure to return the unauthorized response will cause irreparable harm to the Applicant because any arguments, admissions, or actions therein were not authorized by the Applicant, nor do these arguments, admissions, or actions reflect the opinion and/or position of the Applicant.

The unauthorized response has not been made available to the public, nor does Applicant have any intention of making the response public at any time in the future.

Applicant is aware of the requirement to maintain the unintentionally filed document for the life of any patent that should issue from the pending application, and is committed to upholding this requirement.

The information recited in the response is not material information under 37 C.F.R. § 1.56. Any arguments, admissions or actions included therein that may support the patentability of the invention are not the opinion and/or position of the Applicant and should not therefore be considered material.

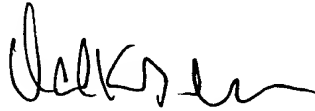
A check for \$130.00 is attached hereto to cover the petition fee under 37 C.F.R. § 1.17(h).

Applicant submits that the requirements of 37 C.F.R. § 1.59(b) and MPEP § 724.05(II) have been satisfied by this petition and that it is proper for the unauthorized and unintentionally submitted response filing (including the petition for extension of time under 37 C.F.R. § 1.136(a)) to be expunged and returned.

Accordingly, Applicant respectfully requests that the response and petition for extension of time under 37 C.F.R. § 1.136(a) filed by Bruce Collins, Reg. No. 20,066, via Express Mail on April 3, 2002 be expunged from the file wrapper of the pending application and returned to the address listed below.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



David K. S. Cornwell
Attorney for Applicants
Registration No. 31,944

Date: 5-10-02

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